

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

TAG EDWARD ALTHOF,

Plaintiff,

6:12-cv-00091-AA

v.

ORDER

MICHAEL F. GOWER,

Respondent.

COFFIN, Magistrate Judge.

Plaintiff has filed a motion seeking an order "disqualifying the Honorable Judge Ann L. Aiken from hearing or determining any issue of law or fact in relation to this case." Motion (#126) p. 1.

For the reasons stated below, petitioner has failed to establish any sufficient reason to justify the recusal of Judge Aiken .

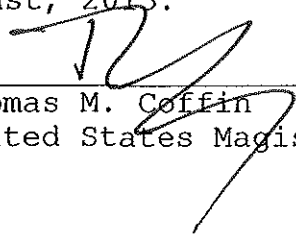
Two federal statutes govern recusal, 28 U.S.C. § 144 and

28 U.S.C. § 455. The standard for recusal under either section is the same: "Whether a reasonable person with knowledge of all the facts would conclude that the judge's partiality might be questioned." Taylor v. Regents of the University of California, 993 F.2d 710, 712 (9th Cir. 1993). To warrant recusal, judicial bias must stem from an extrajudicial source. Id.

Petitioner alleges that the basis for his belief that Judge Aiken is prejudiced against him the alleged fact that she has allegedly "only granted one motion for appointment of counsel to an inmate that was unable to afford counsel." Motion (#126) p. 2. "A judge's prior adverse ruling is not a sufficient cause for recusal. Taylor, supra, citing United States v. Studly, 783 F.2d 934, 939 (9th Cir. 1986).

Plaintiff has not identified any real or apparent bias stemming from an extrajudicial source that would lead a reasonable person with all of the facts to question Judge Aiken's partiality. Accordingly, plaintiff's motion (#126) is denied.

DATED this 20 day of August, 2013.



Thomas M. Coffin
United States Magistrate Judge